

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

RAFAEL CORDERO

CRIMINAL NO. _____

DATE FILED: _____

VIOLATIONS:

18 U.S.C. § 1505 (obstruction of justice - 3 counts)

18 U.S.C. § 1001 (false statements within federal jurisdiction - 4 counts)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant RAFAEL CORDERO was a police officer in the Philadelphia Police Department and was assigned to the Criminal Intelligence Unit (“CIU”) in Philadelphia, Pennsylvania.

2. CIU has a specialized role within the Philadelphia Police Department to gather intelligence relating to criminal activity in high crime areas of Philadelphia and disseminate the information to investigative units within the Philadelphia Police Department and other law enforcement agencies. One of defendant RAFAEL CORDERO’s areas of responsibility within the CIU was the Philadelphia Police Department East Division, which includes the geographic area of Hartville and Indiana Streets, including 538 East Indiana Street, Philadelphia, Pennsylvania.

3. Defendant RAFAEL CORDERO knew that federal and other criminal

investigations were conducted in secret, in part, to prevent the subjects of the investigation from: moving and destroying evidence; concealing their criminal activity; taking any action to threaten, assault, or kill any of the witnesses, agents, officers, and others involved in the investigation; fleeing; or otherwise compromising or impeding the investigation.

4. Christian Serrano, a/k/a/ "Wassa," charged elsewhere, was the leader of the Serrano Drug Trafficking Organization ("Serrano DTO") which sold and distributed pre-packaged, branded heroin in bundle quantities within the Philadelphia Police Department's East Division.

5. Edwin Medina, Jr. a/k/a "June," charged elsewhere, was the leader of the Medina Drug Trafficking Organization ("Medina DTO") which was supplied pre-packaged branded heroin by the Serrano DTO, and which controlled a heroin distribution corner located at Swanson and Somerset Streets in Philadelphia Pennsylvania, an area within the Philadelphia Police Department's East Division.

6. David Garcia, a/k/a/ "Mike," charged elsewhere, worked for the Medina DTO and kept the corner of Swanson and Somerset Streets supplied with heroin obtained from the Serrano DTO.

7. The Medina DTO used various locations, in and around Philadelphia, including, a garage at 538 East Indiana Street in Philadelphia, Pennsylvania, for the purpose of storing, among other things, drugs, guns, and money.

8. David Garcia is the half-brother of defendant RAFAEL CORDERO.

9. Beginning in or about December 2010, the Philadelphia Division of the Drug Enforcement Administration ("DEA") began investigating the drug trafficking activities of

the Serrano DTO.

10. Beginning in or about January 2011, the Philadelphia Division of the Federal Bureau of Investigation (“FBI”) began investigating the drug trafficking activities of the Medina DTO.

11. Thereafter, the Serrano and Medina DTO’s investigations were combined into a single DEA and FBI investigation.

12. On or about June 3, 2011, as part of its investigation into the drug trafficking activities occurring at 538 East Indiana Street, Philadelphia, Pennsylvania, the DEA installed a surveillance camera mounted on a telephone pole located near E and Indiana Streets, in Philadelphia, Pennsylvania.

13. On or about June 3, 2011, at approximately 8:37 p.m., David Garcia called his half-brother, defendant RAFAEL CORDERO and informed him that “they put a camera on the tele-pole at four in the morning like down the street from the garage I be at.” Defendant CORDERO responded that he would “check it out Monday when I go to work.”

14. On or about June 4, 2011, at approximately 11:33 a.m., defendant RAFAEL CORDERO called David Garcia to further discuss the suspected surveillance camera. During this telephone call, defendant CORDERO asked his half-brother if “June knows.”

15. On or about June 7, 2011, at approximately 10:06 a.m., defendant RAFAEL CORDERO called David Garcia to report that he had “checked out” the surveillance camera and told Garcia “that fucking camera is facing down that street.” David Garcia responded, “we’re about to leave there and everything.” Defendant CORDERO further informed David Garcia about the abilities of the surveillance cameras, telling him, “They’re strong, especially in the daytime.”

16. On or about June 7, 2011, at approximately 9:22 p.m., Edwin Medina caused three vehicles and three firearms to be removed from the garage located at 538 East Indiana.

17. On or about June 3, 2011 through on or about June 7, 2011, in the Eastern District of Pennsylvania, defendant

RAFAEL CORDERO

corruptly influenced, obstructed, and impeded, and endeavored to influence, obstruct, and impede, the due and proper administration of the law, under which any pending proceeding is being had before any department or agency of the United States, that is, the ongoing federal investigation of the Drug Enforcement Administration and Federal Bureau of Investigation into the illegal activities of the Serrano and Medina DTO's, by knowingly divulging to David Garcia information regarding a surveillance camera which had been installed by the Drug Enforcement Administration to monitor the activities at a garage, utilized by the Medina DTO, located at 538 East Indiana Street in Philadelphia, Pennsylvania.

In violation of Title 18, United States Code, Section 1505.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count One are realleged and incorporated here.
2. On or about July 21, 2011, the DEA and FBI executed multiple search warrants on properties associated with the Serrano and Medina DTO's, including, the garage located at 538 East Indiana Street in Philadelphia, Pennsylvania.
3. On or about July, 21, 2011:
 - a. At approximately 9:02 a.m., David Garcia called defendant RAFAEL CORDERO and informed him that "I think they hit Wassa's garage." Defendant CORDERO responded that he will "be around there." David Garcia added that "They're around his house." When defendant CORDERO asked, "who's house," David Garcia replied "June's."
 - b. At approximately 11:26 a.m., David Garcia called defendant RAFAEL CORDERO and informed him that the DEA was conducting searches at "Wassa's garage, June's house, the garage..."
 - c. At approximately 1:58 p.m., David Garcia sent a text message to defendant RAFAEL CORDERO which read, "Yo pop u haven't heard anything." Defendant CORDERO responded, "Nah, I'm by June garage now."
 - d. At approximately 2:00 p.m., defendant RAPHAEL CORDERO, without having any official reason to do so, went to the search location of 538 East Indiana Street and began looking in the windows of the garage. When confronted by law enforcement and brought inside the location, defendant CORDERO misrepresented his reason for being at the location and offered to assist with the search. At no time did defendant CORDERO provide his name to law enforcement.

e. Immediately after leaving 538 East Indiana Street, defendant RAPHAEL CORDERO placed a call to David Garcia and shared with him, among other things, how many law enforcement officers were conducting the search and what areas of the garage they were searching. When instructed by David Garcia that, “You can’t say your brother be in there, defendant CORDERO responded, “No, I’m not gonna say that.”

f. At approximately 6:55 p.m., David Garcia called defendant RAFAEL CORDERO and informed him “Yeah, they are in all the locations still. They got three or four cars in each one...”. Defendant CORDERO then instructed David Garcia “when you get home take my picture down.”

g. Later that evening, at approximately 10:05 p.m., defendant RAPHAEL CORDERO, via telephone, counseled David Garcia to tell law enforcement that the reason David Garcia’s truck was in 538 East Indiana Street at the time of the search was because he was “paying rent to store it there.” Defendant CORDERO further advised David Garcia, “That is what you are going to have to say. Everybody is going to have to be on the same page.”

4. On or about July, 22, 2011:

a. At approximately 2:09 p.m., defendant RAFAEL CORDERO placed a call to David Garcia and was informed that David Garcia was at the garage “taking everything ...whatever they left.”

b. After leaving 538 East Indiana Street in Philadelphia, Pennsylvania, David Garcia informed defendant RAFAEL CORDERO that he had removed a DVR tape that law enforcement had inadvertently failed to seize during the search and that he was going to view it to see if defendant CORDERO was recorded at the garage at the time of the search.

5. On or about June 23, 2011, at approximately 10:05 p.m., defendant RAFAEL

CORDERO called David Garcia to inquire if he had viewed the video. David Garcia informed defendant CORDERO that he had been recorded on the video. At no time did defendant CORDERO inform law enforcement that David Garcia had possession of the video tape.

6. On or about July 21, 2011 through on or about July 23, 2011, in the Eastern District of Pennsylvania, defendant

RAFAEL CORDERO

corruptly influenced, obstructed, and impeded, and endeavored to influence, obstruct, and impede, the due and proper administration of the law, under which any pending proceeding is being had before any department or agency of the United States, that is, the ongoing federal investigation of the Drug Enforcement Administration and the Federal Bureau of Investigation, into the illegal activities of the Serrano and Medina DTO's, by knowingly divulging to David Garcia information regarding a search conducted at 538 East Indiana Street in Philadelphia, Pennsylvania, and by counseling David Garcia to give false information to law enforcement.

In violation of Title 18, United States Code, Section 1505.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count One are realleged and incorporated here.

2. From approximately January 2011 through July 2011, defendant RAFAEL CORDERO allowed David Garcia to store United States currency, which defendant CORDERO knew represented the proceeds from narcotic sales, in defendant CORDERO's home, located in Philadelphia, Pennsylvania.

3. On or about July 26, 2011:

a. David Garcia was arrested by agents of the Drug Enforcement Administration.

b. Defendant RAPHAEL CORDERO was interviewed by law enforcement, including a special agent of the Federal Bureau of Investigation.

c. At approximately 5:10 p.m., defendant RAPHAEL CORDERO and his brother E.C. discussed, via telephone, removing the United States currency that David Garcia was storing at defendant CORDERO's home.

d. During the conversation, E.C. asked defendant RAPHAEL CORDERO, "and...what's over there, should I go look for it?" E.C. advised defendant CORDERO, "don't say that's there" and further, "don't say what it is." Defendant CORDERO responded, "If they come visit me, I don't know anything about that shit."

e. Later that day, E.C. met defendant RAPHAEL CORDERO's wife, and received a bag which contained approximately \$20,000 United States currency, bundled in \$1,000 stacks.

4. On or about January 2011 through on or about July 26, 2011, in the Eastern District of Pennsylvania, defendant

RAFAEL CORDERO

corruptly influenced, obstructed, and impeded, and endeavored to influence, obstruct, and

impede, the due and proper administration of the law, under which any pending proceeding is being had before any department or agency of the United States, that is, the ongoing federal investigation of the Drug Enforcement Administration and the Federal Bureau of Investigation, into the illegal activities of the Serrano and Medina DTO's, by knowingly allowing proceeds of narcotic sales to be stored at his home and by knowingly allowing those proceeds to be transferred, thereby preventing law enforcement from confiscating the drug proceeds.

In violation of Title 18, United States Code, Section 1505.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 14 of Count One, and Paragraphs 2 and 3 of Count Two, are realleged and incorporated here.

2. On or about July 26, 2011, in Philadelphia, in the Eastern District of Pennsylvania, defendant

RAFAEL CORDERO,

in a matter within the jurisdiction of the Drug Enforcement Administration and the Federal Bureau of Investigation, agencies of the United States Department of Justice, within the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in that defendant CORDERO denied that he knew of anyone that was associated with the garage located at 538 Indiana Street in Philadelphia, Pennsylvania, when, as defendant CORDERO then and there well knew, his statements were false, fictitious, and fraudulent, because defendant CORDERO knew that the garage belonged to Edwin Medina, Jr., a/k/a “June,” and was used by his half-brother David Garcia.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count One, and Paragraphs 2 through 4 of Count Two are realleged and incorporated here.

2. On or about July 26, 2011, in Philadelphia, in the Eastern District of Pennsylvania, defendant

RAFAEL CORDERO,

in a matter within the jurisdiction of the Drug Enforcement Administration and the Federal Bureau of Investigation, agencies of the United States Department of Justice, within the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in that defendant CORDERO denied that he had ever spoken David Garcia, about defendant CORDERO's presence at the search of 538 Indiana Street in Philadelphia, Pennsylvania, when, as defendant CORDERO then and there well knew, his statements were false, fictitious, and fraudulent, because defendant CORDERO knew that he had, on several occasions, discussed his presence at the search location with David Garcia.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 15 of Count One are realleged and incorporated here.
2. On or about July 26, 2011, in Philadelphia, in the Eastern District of Pennsylvania, defendant

RAFAEL CORDERO,

in a matter within the jurisdiction of the Drug Enforcement Administration and the Federal Bureau of Investigation, agencies of the United States Department of Justice, within the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in that defendant CORDERO informed federal agents that he had discovered the surveillance camera located at E. and Indiana Streets in Philadelphia, Pennsylvania, and further that he had not discussed the camera with anyone else, when, as defendant CORDERO then and there well knew, his statements were false, fictitious, and fraudulent, because defendant CORDERO knew that David Garcia had alerted him to the presence of the camera and that he had thereafter investigated the camera and passed on his findings to David Garcia.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about July 26, 2011, in Philadelphia, in the Eastern District of Pennsylvania, defendant

RAFAEL CORDERO,

in a matter within the jurisdiction of the Drug Enforcement Administration and the Federal Bureau of Investigation, agencies of the United States Department of Justice, within the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in that defendant CORDERO denied that he had ever given arrest reports or information regarding cooperating witnesses to David Garcia, when, as defendant CORDERO then and there well knew, his statements were false, fictitious, and fraudulent, because defendant CORDERO had provided both arrest reports and information about cooperating witnesses to David Garcia.

In violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE DAVID MEMEGER
United States Attorney